

Calendar No. 106

104TH CONGRESS }
1st Session

SENATE

{ REPORT
104-81

LANDSAT AMENDMENTS ACT OF 1995

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 625



MAY 15, 1995.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

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MAY 15, 1995.—Ordered to be printed

Mr. PRESSLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 625]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 625), “A Bill to amend the Land Remote Sensing Policy Act of 1992”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of the reported bill is to ensure the continuity of Landsat data into the 21st Century and to improve mechanisms for addressing national security and foreign policy issues arising under the program. The bill seeks to accomplish that purpose by: (a) transferring the oversight and management responsibilities for Landsat from the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) to a new management arrangement involving NASA, the National Oceanic and Atmospheric Administration (NOAA), and the Department of the Interior (DOI); (b) extending the operations contract of the current contractor for Landsat 4 and 5; (c) requiring the Executive Branch to notify Congress when it takes certain actions affecting licenses for private remote sensing satellite systems; and (d) clarifying the process by which the Secretary of Commerce shall consult with the Secretary of State and the Secretary of Defense regarding land remote sensing satellite matters raising foreign policy and national security concerns.

BACKGROUND AND NEEDS

Description of the Landsat program

Landsat is a federal remote sensing satellite system that provides high-quality Earth imagery to government and private sector users for a variety of commercial, scientific, and military purposes. Each Landsat satellite flies in a polar orbit and passes over the same point on the Earth every 16 days. For more than twenty years, Landsat has provided the Nation with an uninterrupted stream of Earth observations and is the source of the longest-term, consistent satellite data on land resources available in the world.

The current Landsat system relies on two aging satellites, Landsat 4 (launched in 1982) and Landsat 5 (launched in 1984), that are now well past their three-year design lives, as well as an associated ground infrastructure. In 1993, a replacement satellite (Landsat 6) failed to achieve orbit after its launch. Another replacement (Landsat 7) is scheduled for launch in 1998. Since 1985, Landsat has been operated by a private contractor, the EOSAT Corporation (EOSAT), which markets and distributes the data to the user community. All Landsat data are archived at DOI's Earth Resources Observation Systems (EROS) Data Center in Sioux Falls, South Dakota.

Evolution of the Landsat program

In 1972, Landsat was begun by NASA as an experimental satellite program. However, in 1979, the Carter Administration released Presidential Directive 54, which called for transferring Landsat from NASA to NOAA, turning Landsat into an operational system, and developing a plan for Landsat's eventual transition to a private sector operation.

In the early 1980s, the Reagan Administration attempted to accelerate the commercialization of Landsat. In 1984, that effort culminated in the Congressional passage of the Land Remote Sensing Commercialization Act (P.L. 98-365), which established the general policy and requirements for commercialization of the program. In 1985, NOAA selected EOSAT to be the Landsat contractor. In its 10-year contract with NOAA, EOSAT agreed to assume exclusive responsibility for marketing and distributing existing Landsat data, operating Landsats 4 and 5, and building new Landsat satellites (Landsats 6 and 7). Because the market for remote sensing data was at that time undeveloped, the federal government agreed to pay EOSAT a \$250 million subsidy to cover the launch costs for the two new satellites and the operational costs of the program through the expected lifetime of Landsats 4 and 5. In the years following the signing of the EOSAT contract, modifications were accepted by EOSAT and the government that called for the development of only one satellite, Landsat 6.

It soon became apparent that the experiment in Landsat commercialization would not be successful. From the start of commercialization in 1984, the number of orders of data decreased dramatically, dropping from 35,272 in 1984 to nearly 8,000 in 1990. While there were many reasons for the decrease in orders, most agreed that the high cost of the data was a major contributing factor in discouraging the purchase of Landsat data, especially by the

research community. In addition, three independent studies conducted in 1988 for NOAA concluded that rapid commercialization for Landsat was not working and would not be possible in the foreseeable future.

To address the problems associated with Landsat commercialization, including the high cost of Landsat data, in 1992, President Bush signed into law the Land Remote Sensing Policy Act of 1992 (P.L. 102-555). The Act repealed the 1984 Landsat Act and established a new policy for the government's management of the program and for the pricing and distribution of Landsat data. Among its provisions, the 1992 Act—

- transferred Landsat program management from the Department of Commerce (DOC) to NASA and DOD;

- directed Landsat program management to contract with the private sector for the development and delivery of Landsat 7;

- directed Landsat program management to enter into negotiations with EOSAT for the phased introduction of a pricing system for data from Landsats 4 through 6 that would enable researchers to purchase the data at “the cost of fulfilling the user request”;

- provided that the outcome of negotiations with EOSAT should be a transition to a data policy consistent with the data policy established in the legislation for Landsat 7 data;

- required a data policy for Landsat 7 data ensuring that such data are available to all users at the cost of fulfilling user requests;

- authorized the Secretary of Commerce to license operators of private sector remote sensing systems; and

- directed the President to establish a five-year technology demonstration program to assess advanced technologies and approaches for their potential use on Landsat 8.

SUBSEQUENT EVENTS RELATING TO LANDSAT

After the enactment of the 1992 Act, a number of developments occurred in the Landsat program which recommended a revisitation of certain provisions in that legislation.

Withdrawal of DOD from Landsat

DOD withdrew from the program at the end of 1993 following a dispute with NASA over funding issues relating to Landsat 7. The most significant conflict related to the two agencies' inability to settle their differences over which agency would pay for the \$161 million ground station to process data for a high-resolution multispectral stereo imager (HRMSI). HRMSI was considered by DOD to be essential to meet its requirements. After being unable to resolve its dispute with NASA, DOD did not request funding for Landsat in its FY95 budget submission to Congress and withdrew from the program. NASA and DOD ultimately reached an agreement that Landsat 7 construction authority, along with some remaining FY94 funds at DOD, would be transferred to NASA.

Loss of Landsat 6

In October 1993, Landsat 6 failed to achieve orbit after its launch from Vandenberg Air Force Station in California. Landsat

6 was considered critical to the maintenance of Landsat data continuity because of the degraded condition of aging Landsats 4 and 5. The loss of Landsat 6 increased the importance of the timely development and launch of Landsat 7 as a replacement.

Landsat program reorganization

In his Presidential directive (PDD)/NSTC-3, dated May 5, 1994, the President issued a new Landsat policy which reorganized agency responsibilities for operating Landsat 7. The policy followed the earlier recommendations of the National Science and Technology Council. Included in the new policy were the following main provisions—

- DOD was removed from the program and NOAA was added;
- NASA was given all responsibility for the development and funding of Landsat 7;

- DOI was directed to continue to maintain an archive of existing and future Landsat-type data within the United States; and

- Landsat data were to be made available to meet the needs of all users at no more than the cost of fulfilling user requests.

In accordance with the PDD, on May 20, 1994, the management responsibility for the satellite development contract was transferred from DOD to NASA.

EOSAT contract negotiations.

Section 103(a) of the 1992 Act required the Executive Branch to enter into negotiations with EOSAT on a data policy and pricing scheme for Landsats 4–6, with the goal of developing a data policy consistent with that provided for Landsat 7. The 1992 Act further provided that, if NASA and DOD determined that such negotiations had not been satisfactorily concluded by September 30, 1993, they were required to submit a report to Congress within 30 days of that determination. The legislation did not require a report to Congress if negotiations had been satisfactorily completed by that deadline.

Pursuant to Section 103(a), EOSAT and the government began negotiations, and, late in September 1993, the government communicated its final offer of an agreement in principle to EOSAT. On October 6, 1993, EOSAT agreed to the government's offer on all issues outstanding at that time. Discussions between the parties continued on the agreement in principle and a final document was signed on April 11, 1994. While the April agreement did not purport to extend the EOSAT contract, which was due to expire in July 1994, that agreement did express the parties' understanding that it would be incorporated into an extension of the EOSAT contract.

However, the DOC later suspended implementation of the April agreement as it considered whether to hold a new competition for the Landsat data distribution rights and the operation of Landsats 4 and 5, rather than extend the EOSAT contract. On July 15, 1994, DOC provided for a short-term extension of the EOSAT contract through December 31, 1994. Implementation of the April 1994 agreement was postponed pending a resolution of the EOSAT contract dispute.

On November 7, 1994, DOC published a notice in Commerce Business Daily indicating its intent to offer to EOSAT another sole-source contract to operate Landsats 4 and 5. After several firms responded to the notice, expressing interest in competing for the contract, DOC made plans to subject the contract to open competition. On December 27, EOSAT filed suit in the U.S. District Court for the District of Columbia, seeking an injunction to prevent DOC from re-competing the operations contract for Landsats 4 and 5. As of the date of this Committee report, the EOSAT litigation was still pending.

Licensing of new private remote sensing satellite systems

Under the 1992 Act (as well as the 1984 Act it replaced), DOC was given authority to license private remote sensing satellite systems. The 1992 Act requires that DOC issue a decision on a license within 120 days of its receipt of a completed license application. It further provides that, if the 120-day deadline is not met, DOC must notify the applicant of any pending issues and the actions required to resolve them. Once an application is submitted to DOC, it is immediately forwarded to DOD for review of national security issues and to the State Department for review of international treaty obligations.

Soon after the enactment of the 1992 law, DOC received a number of license applications for new satellite systems and several were eventually approved. However, DOC sometimes failed to meet the statutory 120-day deadline for reaching a decision on a license or notifying the applicant of any pending problems with the license. In several cases, much of the processing delay was attributed to disagreements within the Administration about national security issues relating to the sale of high-resolution imagery and systems. These delays undoubtedly had an adverse impact on the affected applicants, and, perhaps more importantly, the uncertainties regarding the length and structure of the process—particularly as to the DOD and State Department license review—may have discouraged other potential applicants from seeking DOC approval for their proposed remote sensing ventures.

LEGISLATIVE ACTION IN THE 103RD CONGRESS

During the 103rd Congress, several amendments to the 1992 Act were proposed in bills considered by the Senate and the House of Representatives to take into account the withdrawal of DOD, the loss of Landsat 6, the EOSAT contract dispute, and other policy matters that had arisen since the enactment of the legislation. One of those bills, the Aeronautics and Space Administration Policy Act of 1994 (H.R. 4489), was reported without objection by the Committee on September 28, 1994. Title III ("Revisions to Land Remote Sensing Policy Act of 1992") of the Committee-reported bill proposed amendments to the 1992 Act which replaced the DOD/NASA management of Landsat with a new arrangement involving NOAA, NASA, and DOI to reflect the withdrawal of DOD from the program. In addition, the amendments eliminated references to "Landsat 6", the satellite lost in space in 1993.

With regard to new private remote sensing systems licensed under the 1992 Act, the amendments contained several provisions

to prevent undue delay in DOC's licensing process and to require timely notification of Congress of DOC actions affecting licenses. Specifically, the amendments imposed a 60-day deadline on DOD and the State Department to make their recommendations on DOC license applications. Further, the legislation required that DOC report to Congress within 30 days of (a) any decision to limit the data collection or distribution by the licensee, or (b) DOC's initiation of any court action to terminate, modify, or suspend a license.

Later, on October 5, 1994, when H.R. 4489 was considered by the full Senate, Senator Rockefeller offered a substitute amendment, which included a new provision extending the EOSAT operations contract for Landsats 4 and 5 following successful negotiations between EOSAT and the Executive Branch. The bill, as amended, was then passed by the Senate.

The Senate-passed version of H.R. 4489 contained Landsat-related provisions that were virtually identical to the text of the Landsat-related provisions contained in the House-passed version of H.R. 4489. In addition, the provision in S. 625 concerning the EOSAT contract extension was part of the House-passed version of the NOAA Authorization bill (H.R. 4008). However, the 103d Congress adjourned before the Senate and the House could agree on consensus legislation containing the Landsat provisions.

LEGISLATIVE HISTORY

S. 625 was introduced in the Senate on March 27, 1995 by Senator Pressler. On March 28, 1995, the Committee met in open executive session and ordered S. 625 reported without objection.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 26, 1995.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 625, the Landsat Amendments Act of 1995, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 29, 1995. CBO estimates that enacting the bill would result in no significant costs to the federal government and in no costs to state or local governments. Because enactment of S. 625 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to this bill.

S. 625 would transfer primary management responsibility for the Landsat program from the National Aeronautics and Space Administration (NASA) and the Department of Defense to NASA and the National Oceanic and Atmospheric Administration. In addition, the

bill would make several other changes to the Land Remote Sensing Policy Act of 1992.

The provisions of S. 625 would not expand the Landsat program; rather, the bill would transfer features of the program from one federal agency to another. Based on information from the agencies involved, we do not expect enactment of this legislation to result in any significant budgetary costs or savings.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JAMES BLUM
(For June E. O'Neill, Director).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Number of persons affected

The reported bill would amend the Land Remote Sensing Policy Act of 1992 (P.L. 102-555) to strengthen the Federal government's management of the Landsat program and stimulate the commercial market for land remote sensing data. Thus, the bill would benefit the large user community for Landsat and other remote sensing data by continuing the availability of reasonably priced, high-resolution Earth imagery.

Economic impact

The bill limits to 60 days the amount of time that DOD and the State Department have to provide recommendations to DOC regarding pending license applications for new private land remote sensing systems. This change should help reduce some of the delay in the DOC licensing process and thereby encourage more companies to seek approval for new satellite systems. The remainder of the bill is neutral as to economic impact.

Paperwork burden/privacy

The bill is not expected to increase the paperwork burden or have any adverse impact on the individuals affected.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 states that this legislation may be cited as the "Landsat Amendments Act of 1995."

SECTION 2. AMENDMENT OF ACT

Section 2 amends the 1992 Act in the following respects:

1. It transfers responsibility for management of the Landsat program from NASA and DOD to NOAA, NASA, and DOI. The 1992 Act provides for joint NASA/DOD management of the program. This management change is consistent with the Administration's reorganization of the Landsat program in 1994 following the withdrawal of DOD.

2. It deletes references to “Landsat 6.” Landsat 6, which was intended as a replacement for one of the two current Landsats (4 and 5), was lost in space shortly after its launch in 1993.

3. It requires that the contract of the contractor for Landsat 4 and 5 operations (i.e., EOSAT) be extended following successful negotiations between EOSAT and the Landsat Program Management within the Executive Branch. The provision is intended to eliminate confusion within the Executive Branch over whether Congress, by its enactment of the 1992 Act, intended that the EOSAT contract be extended.

4. With respect to private remote sensing systems licensed by DOC under the 1992 Act, the section requires the Secretary of Commerce to notify Congress within 30 days of (a) any decision to limit the data collection or distribution by the licensee, or (b) DOC’s initiation of any court action to terminate, modify, or suspend a license. The section also imposes a deadline on recommendations from the DOD and the State Department on Landsat matters. The section requires that recommendations from the Secretary of Defense and the Secretary of State on Landsat matters affecting national security and international obligations, respectively, must be made to the Secretary of Commerce within 60 days of DOC’s request for such advice.

CHANGES IN EXISTING LAW

LAND REMOTE SENSING POLICY ACT OF 1992

* * * * *

SEC. 2. FINDINGS.

The Congress finds and declares the following:

* * * * *

[(9) Because Landsat data are particularly important for national security purposes and global environmental change research, management responsibilities for the program should be transferred from the Department of Commerce to an integrated program management involving the Department of defense and the National Aeronautics and Space Administration.]

(9) Because Landsat data are particularly important for global environmental change research, the program should be managed by an integrated team consisting of the National Aeronautics and Space Administration and the Department of Commerce.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

* * * * *

(6) The term “Landsat Program Management” means the integrated program management structure—

(A) established by, and responsible to, the Administrator and the [Secretary of Defense] *Secretary* pursuant to section 101(a); and

(B) consisting of appropriate officers and employees of the National Aeronautics and Space Administration, [the Department of Defense and] *and the Department of Commerce, as well as the Department of the Interior, or any other United*

States Government agencies the President designates as responsible for the Landsat program.

TITLE I—LANDSAT

SEC. 101. LANDSAT PROGRAM MANAGEMENT.

(a) ESTABLISHMENT.—The Administrator and the [Secretary of Defense] *Secretary* shall be responsible for management of the Landsat program. Such responsibility shall be carried out by establishing an integrated program management structure for the Landsat system.

(b) MANAGEMENT PLAN.—The Administrator, the [Secretary of Defense,] *Secretary*, and any other United States Government official the President designates as responsible for part of the Landsat program, shall establish, through a management plan, the roles, responsibilities, and funding expectations for the Landsat Program of the appropriate United States Government agencies. The management plan shall—

(1) specify that the fundamental goal of the Landsat Program Management is the continuity of unenhanced Landsat data through the acquisition and operation of a Landsat 7 [satellite as quickly as practicable which is, as a minimum, functionally equivalent to the Landsat 6 satellite, with the addition of a tracking and data relay satellite communications capability;] *satellite;*

(2) include a baseline funding profile [that—

[(A) is mutually acceptable to the National Aeronautics and Space Administration and the Department of Defense for the period covering the development and operation of Landsat 7; and

[(B) provides for total funding responsibility of the National Aeronautics and Space Administration and the Department of Defense, respectively, to be approximately equal to the funding responsibility of the other as spread across the development and operational life of Landsat 7;] *for the development and operational life of Landsat 7 that is mutually acceptable to the agencies constituting the Landsat Program Management;*

* * * * *

The Director of the Office of Science and Technology Policy shall, no later than 60 days after enactment of the Landsat Amendments Act of 1995, transmit the management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) RESPONSIBILITIES.—The Landsat Program Management shall be responsible for—

* * * * *

(3) ensuring that all unenhanced Landsat data remain unclassified, and that, except as provided in [section 506] *section*

507 (a) and (b), no restrictions are placed on the availability of unenhanced data;

* * * * *

SEC. 102. PROCUREMENT OF LANDSAT 7.

* * * * *

(b) DEVELOPMENT AND DELIVERY CONSIDERATION.—In negotiating a contract under this section for the development and delivery of Landsat 7, the Landsat Program Management shall—

(1) seek, as a fundamental objective, to have Landsat 7 operational *[by the expected end of the design life of Landsat 6] by the predicted end of life of Landsat 5, or as soon as practicable thereafter;*

* * * * *

SEC. 103. DATA POLICY FOR LANDSAT 4 THROUGH 6.

(a) CONTRACT NEGOTIATIONS.—Within 30 days after the date of enactment of this Act, the Landsat Program Management shall enter into negotiations with the Landsat 6 contractor to formalize an arrangement with respect to pricing, distribution, acquisition, archiving, and availability of unenhanced data for which the Landsat 6 contractor has responsibility under its contract. Such arrangement shall provide for a phased transition to a data policy consistent with the Landsat 7 data policy (developed pursuant to *[section 105] section 104* by the initial operation of Landsat 7. Conditions of the phased arrangement should * * *

* * * * *

(b) FAILURE TO REACH AGREEMENT.—If negotiations under subsection (a) have not, by September 30, 1993, resulted in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (b) (1) through (8), the Administrator and the *[Secretary of Defense] Secretary* shall, within 30 days after the date of such determination, jointly certify and report such determination to the Congress. The report shall * * *

* * * * *

(c) IMPLEMENTATION OF AGREEMENT.—*If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goal stated in paragraphs (1) through (8) of subsection (a), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.*

[SEC. 104. TRANSFER OF LANDSAT 6 PROGRAM RESPONSIBILITIES.]

[The responsibilities of the Secretary with respect to Landsat 6 shall be transferred to the Landsat Program Management, as agreed to between the Secretary and the Landsat Program Management, pursuant to section 101.]

SEC. [105.] 104. DATA POLICY FOR LANDSAT 7.

* * * * *

TITLE II—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

SEC. 201. GENERAL LICENSING AUTHORITY.

* * * * *

(c) DEADLINE FOR ACTION ON APPLICATION.—The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. **[If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.]** *If the Secretary determines that the license requested by the applicant should not be issued, the Secretary shall inform the applicant within such 120-day period of the reasons for such determination and the specific actions required of the applicant to obtain a license.*

SEC. 202. CONDITIONS FOR OPERATION.

* * * * *

(b) LICENSING REQUIREMENTS.—Any license issued pursuant to this title shall specify that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve the national security of the United States and to observe the international obligations of the United States in accordance with **[section 506]** *section 507*;

* * * * *

(6) notify the Secretary of any *significant or substantial* agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities.

SEC. 204. REGULATORY AUTHORITY OF THE SECRETARY.

The Secretary **[may]** *shall* issue regulations to carry out this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

SEC. 206. NOTIFICATION.

(a) LIMITATIONS ON LICENSEE.—*Within 30 days after any determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed pursuant to this title, the Secretary shall report to the Congress the reasons for such determination, the limitations imposed on the licensee, and the period during which such limitations apply.*

(b) TERMINATION, MODIFICATION, OR SUSPENSION.—*Within 30 days after any action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall notify the Congress of such action and provide the reasons for such action.*

TITLE III—RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 302. AVAILABILITY OF FEDERALLY GATHERED UNENHANCED DATA.

[(a) GENERAL RULE.—]All unenhanced land remote sensing data gathered and owned by the United States Government, including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303, shall be made available to users in a timely fashion.

[(b) PROTECTION FOR COMMERCIAL DATA DISTRIBUTOR.—The President shall seek to ensure that unenhanced data gathered under the technology demonstration program carried out pursuant to section 303 shall, to the extent practicable, be made available on terms that would not adversely effect the commercial market for unenhanced data gathered by the Landsat 6 spacecraft.]

* * * * *

TITLE V—GENERAL PROVISIONS

SEC. 501. NONDISCRIMINATORY DATA AVAILABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b) of this section, any unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government shall be made available to all users without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to [section 506]) *section 507*) regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another.

* * * * *

(c) DETERMINATION OF CONTENT OF BASIS DATA SET.—In determining the initial content of, or in upgrading, the basis data set, the Secretary of the Interior shall—

* * * * *

(7) ensure that the content of the archive is developed in accordance with [section 506.] *section 507*.

* * * * *

SEC. 504. REIMBURSEMENT FOR ASSISTANCE.

The Administrator, the [Secretary of Defense,] *Secretary*, and the heads of other United States Government agencies may provide assistance to land remote sensing system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

* * * * *

SEC. 507. CONSULTATION.

[(a) CONSULTATION WITH SECRETARY OF DEFENSE.—The Secretary and the Landsat Program Management shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for

determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary and the Landsat Program Management promptly of such conditions.

[(b) CONSULTATION WITH SECRETARY OF STATE.—(1) The Secretary and the Landsat Program Management shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying promptly the Secretary and the Landsat Program Management of such conditions.]

(a) *RESPONSIBILITY OF SECRETARY OF DEFENSE.*—*The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions. Within 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with the protection of the national security of the United States.*

(b) *RESPONSIBILITY OF SECRETARY OF STATE.*—

(1) *The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. Within 60 days after receiving a request from the Secretary, the Secretary of State shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet existing international obligations of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with existing international obligations of the United States.*

* * * * *